



## TOWN OF HOPKINTON, NEW HAMPSHIRE

### RULES & REGULATIONS – REFUSE DISPOSAL ORDINANCE

#### ORDINANCE NO: 05-06

An ordinance regulating the use of the Hopkinton-Webster Refuse Disposal Facility and providing penalties for violations thereof in the Town of Hopkinton, County of Merrimack and State of New Hampshire.

Pursuant to RSA 41:11, 47:17, 149-M:13.2 and every other enabling authority, including the Hopkinton-Webster Refuse Disposal Agreement and the Hopkinton-Webster Solid Waste Management Planning District Agreement, the Boards of Selectmen of Hopkinton and Webster in cooperation with the Hopkinton-Webster Refuse Disposal Committee do hereby enact the following:

#### **Article I**

##### Definitions

- Section 1      “Facility” – The area established as the Hopkinton-Webster Disposal Area for Solid and Septic Wastes including the Transfer Station.
- Section 2      “Hopkinton-Webster Refuse Disposal Agreement” – Duly enacted Agreement between the Towns of Hopkinton, NH and Webster, NH to jointly operate and regulate a refuse disposal area.
- Section 3      “Hopkinton-Webster Refuse Disposal Committee” – Duly appointed committee pursuant to the Hopkinton-Webster Refuse Disposal Agreement.
- Section 4      “Operator” – Duly authorized agent running the day-to-day operation of the facility.
- Section 5      “Stickers” – Duly issued permit to allow access and use of the facility.

#### **Article II**

##### Use of the Facility

- Section 1      Permitted Usage: All persons, firms, or corporations and their agents, Whose residence (including seasonal) or place of doing business are within the corporate limits of the Towns of Hopkinton and Webster, shall be privileged to use the facility of the landfill area. No person, firm or

corporation, other than those designated above shall enter into or upon the facility area or use that area for any purpose whatsoever and no

refuse except refuse originating in the Towns herein named shall be placed in the facility.

Under no circumstances shall any person, firm, corporation or any of their agents be permitted to dump refuse that does not originate from the Towns of Hopkinton and Webster. The Refuse Disposal Committee, upon approval of the Boards of Selectmen, may make exceptions to this requirement for other governmental units.

The owner, operator or other person in charge of a vehicle transporting solid wastes as a condition of use, to be deposited in the Disposal Areas shall present evidence and/or answer any reasonable questions concerning the place or origin of the material as the person in charge of the Disposal Areas may request. Failure to comply with these regulations or having furnished creditable evidence when requested shall be sufficient cause for the Boards of Selectmen, or their authorized representative, to revoke, suspend or modify a license, permit, or privilege for the use of the facility and/or to enforce or impose any other penalties as provided by these regulations.

**Section 2**     Hours of Operation: The facility shall be open to persons having a dump permit from 8:00 AM to 5:00 PM on Monday; 8:00 AM to 5:00 PM on Wednesday; 1:00 PM to 5:00 PM on Friday; and 8:00 AM to 5:00 PM on Saturday. In the event that a legal holiday shall fall on a normal day of operation, then the facility shall fall on a normal day of operation, then the facility shall be closed on that day and open on the next regular work day following the holiday. These hours of operation may be modified by the Hopkinton-Webster Refuse Disposal Committee as they deem appropriate.

No person, firm or corporation, or their agents, having the right to use the facility as described in this article, or any other person shall be permitted to enter upon or use the facility area for any disposal operations except during the hours specified by this ordinance and posted at the gate entrance to the said facility.

**Section 3**     All persons, firms and corporations, or their agents, having the right to use this facility as provided in these rules shall abide by the conform to all regulations herein provided, and/or with all instructions or orders of the persons authorized by the Selectmen or Committee of the Town of Hopkinton and Webster to supervise disposal operations within the facility area, and with all signs and notices posted at the facility by order of the Selectmen and/or committee.

**Section 4**     Location of Dumping: All dumping shall be done in areas designated by the proper officials or the duly authorized agent operating the facility.

Section 5     Removal of Objects: No person, firm or corporation, or their agents, shall, except by written permission of the facility committee, remove any article or object which has been deposited or left within the facility area. No scavenging or salvage operations shall be permitted on the facility.

Section 6     Prohibitions: Loitering or drinking of alcoholic beverages within the property of the facility is prohibited.

At no time will the displaying and/or discharge of any firearms including air rifles be permitted within the facility area or on any land designated as part of the facility property.

Section 7     Utilization:

A. Rubbish and Refuse:

1. Refuse derived from the normal operation of households or businesses within the Town, and usual in nature, may be deposited in the Disposal Areas. Household refuse of a usual nature is defined as "Those items of refuse which, by themselves can be contained within a 32 gallon waste container". All other refuse, unusual in nature or size and non-combustible refuse brought to the Disposal Areas shall be deposited at such locations as designated.
2. Town Departments, operating Town owned equipment, may deposit refuse generated by the Town Department at the Disposal Areas without charge. Contractors employed by the Town, when operating on Town business, will be permitted to deposit Town refuse at the Disposal Areas in accordance with these Rules and Regulations without an assessed fee.
3. Waste material from single residence remodeling will be accepted for disposal only in non-combustible materials have been separated from combustible materials and the material is cut into lengths that allow for handling.

B. Trucks:

1. All trucks entering the Disposal Areas, regardless of size, will be required to be identified, including the name of the driver, vehicle registration, and the name and address of the supplier(s) of refuse. If requested by the operator, all vehicles shall be weighed prior to disposing of its load and after disposing of its load. Any failure on the part of the owner or his operator to comply with these rules and regulations, or the instructions and directives of the operating personnel will be reported immediately to the Superintendent of Public Works.

2. All vehicles engaged in the collection of refuse, regardless of the number of customers, are required to display any and all permits required by the Towns of Hopkinton and Webster, State of New Hampshire or the United States Government.
3. All open trucks and trailers must be equipped with the required tarpaulin, and the load must be FULLY covered.
4. Trucks entering the Disposal Areas shall be checked for out-of-town refuse by a Town employee. The dumping of out-of-town refuse at the Disposal Areas is strictly prohibited.

**Section 8     Brush, Stump and Wood Disposal:**

- A. All stumps, from any source, shall be deposited only in designated areas.
- B. Logs or brush larger than five inches (5") in diameter shall be considered logs and shall be deposited in a designated area. Hardwood logs shall be separated and deposited in a designated area For recycling as firewood.
- C. All lumber shall be cleaned of refuse and deposited in either the Designated burn pile or in the wood recycling area.
- D. Wood chips shall be deposited in a separate designated area.
- E. Pressure-treated and rot-resistant wood shall be deposited only in an area designated by the operator. It shall not be burned.

**Section 9     Prohibited Materials:**

- A. Any substance or object likely to damage, injure, destroy or obstruct the usefulness or operation of the Disposal Areas.
- B. Any substance which may attack, damage or alter by any means the equipment, employees or citizens engaged in the use and operation of the Disposal Areas.
- C. Any quantities of gasoline, kerosene, alcohol, oil, tar, flammable or explosive gas or vapor or any material or substance which may generate or form a flammable, explosive or combustible substance, fluid, gas, vapor or mixture when combined with air, water or other substances commonly found in Disposal Areas.
- D. Any substance at a temperature above 100 degrees Fahrenheit or its burning point, or substance which, upon coming into contact with water, refuse or air will generate steam, vapor, fire, smoke or toxic fumes.

- E. Poisons or any other substance likely to generate poisonous Substances that may interfere with, constitute a hazard to, or be dangerous to humans, wild life, animals or the environment.
- F. Any wastes containing animal guts, tissues, entrails, offal, blood or other types of pathological wastes.
- G. Any substance containing or labeled as radioactive wastes or explosive material.
- H. Any solid wastes likely to cause damage, injury or loss to other Persons or to the property of other persons who use the Disposal Areas or to any person or equipment engaged in the treatment or disposal of such solid wastes, for the Towns of Hopkinton or Webster.
- I. Pharmaceutical or medical wastes of any nature.
- J. Metal or plastic drums of any nature.
- K. Any cyanides, disinfectants, formaldehyde, toxic or poisonous substances of any kind.
- L. Any waters or wastes containing strong acid or iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- M. Any wastes or waste water which is strongly acid, and which, when tested in the usual manner, has a "pH" less than 5.5 or which is strongly alkaline and has a "pH" more than 9.0.
- N. Any waste or waste water from an industrial or commercial process containing any amount of toxic or objectionable metals, non-metals and/or solids, included but not limited to the following:

Arsenic	Chlorides	Manganese	Silver
Barium	Copper	Mercury	Sulphides
Cadmium	Cyanides	Nickel	Zinc
Chromium	Lead	Phenols	

- O. Any material, regardless of composition, that is listed as a toxic or Hazardous waste by the State of New Hampshire or the United States Government.
- P. Any junk or unwanted motor vehicles of any kind.
- Q. All Electronics are banned from all disposal areas. The facility operator will collect all electronics for recycling and proper disposal. There will be no charge to residents for this service. Commercial enterprises will be charged only the towns' cost with no markup (see Article V, Section 8).

R. All persons and operations at the Hopkinton/Webster MSW facilities will be compliant with RSA 149-M:58 which bans the disposal of all products containing intentionally-added mercury in landfills, transfer stations, and incinerators, regardless of the amount of mercury they contain.

**Section 10    Materials Requiring Special Handling:**

The Boards of Selectmen, or their authorized representative, may designate materials or substances that require special handling. Such Material or substances shall require a special permit for disposal.

**Section 11    Revocation of Permits:**

The Boards of Selectmen, or their authorized representatives, may at any time cancel, suspend, revoke or modify permits or privileges issued hereunder for cause. The suspension, revocation or modification of an existing permit or privilege shall not entitle the person holding such a permit to a refund of all or a portion of any fee collected for the issuance of such permit or privilege.

**Section 12    General:**

The following general regulations shall apply to all persons or parties using the Disposal Areas and its facilities.

- A. They must provide their name, address and place of origin of refuse upon request.
- B. The Towns reserve the right to reject any materials which it considers to be detrimental to the operation of the Disposal Areas.

**Article III**

**Permit Stickers**

**Section 1    Obtaining Permits:**

Permit stickers may be obtained from the Town Clerks of the Towns of Hopkinton and Webster. Permit stickers shall be issued to any person or business eligible to use the facility as defined herein. Proper identification of residency may be required at the time of issuing the permit sticker by the respective Town Clerks. Any person or business entitled to a permit sticker may, upon the request of their respective Town Clerks and upon showing of need, may be issued one or more duplicate permit stickers. If the issuing Town Clerk is not satisfied that the individual or business has shown a need, he may request an investigation by the respective Police agency in the Town where the resident or business is located to

determine whether such person or business is entitled to duplicate stickers.

**Section 2**     **Cost of Permits:**

The Town Clerks shall charge \$1.00 for each permit issued.

**Section 3**     **Maintenance of Active Permits Issued:**

The respective Town Clerks of Hopkinton and Webster shall maintain An accurate and numerical list of stickers issued in proper sequence showing the date of issuance and the persons, firm or corporation name said sticker was issued to. Copies of valid permits issued will be forwarded to the Police Chiefs of Hopkinton and Webster by the said Town Clerks if requested by said Police Chiefs.

**Section 4**     **Permit Display:**

Valid permit stickers shall be attached to each vehicle entering the facility area as previously outlined in this ordinance and proper identification must be shown to authorized Police officials and the facility operator so requesting said information at the facility area to insure that stickers issued are attached to the vehicles owned by the persons, firm, corporation or their agents that the respective permit stickers have been issued to. The permit sticker shall be attached to the left (driver's side) hand side of the vehicle in a clearly visible location. No vehicle shall enter the facility unless the permit sticker shall be attached thereto as set forth herein.

**Article IV**

**Septic Wastes**

**Section 1**     **Use of Facility:**

Only septic wastes which originate from the Towns of Hopkinton and Webster shall be accepted at the facility. Prior to using the facility, the septage hauler must be registered with the Hopkinton-Webster Refuse Disposal Committee. The hauler must also be a legal hauler as defined by state law.

**Section 2**     **Disposal at the Facility:**

Prior to disposing of a load of Septage, the driver shall report to the operator. The instructions of the operator with regards to disposal location and procedure shall be followed.

**Section 3\*\* Cost of Disposal:**

Each load of septage disposed at the facility shall be charged at the rate of \$50.00 per 1,000 gallons.

**Article V**

**Large Volume Haulers and Miscellaneous Non-Domestic Trash**

**Section 1\*\*\* Tipping Fee:**

All waste and garbage brought to the facility with a weight over 400 pounds shall be assessed a tipping fee based on the entire weight of the waste or garbage. Residents disposing of 400 pounds or less of waste and garbage will not be assessed a tipping fee. Wastes requiring the payment of a tipping fee shall include, but not be limited to, construction and demolition wastes, stumps from land clearing operations, and other commercial and industrial wastes.

**Section 2\*\*\* Fees:**

Each load of waste included in Section 1 of this article disposed at the facility shall be charged a tipping fee according to the following schedule:

No charge for Brush and other burnables.

All residential trash, commercial trash and metal.

Beginning July 1, 2008	\$3.00/200 lb increment
Beginning January 1, 2009	\$4.00/200 lb increment
Beginning July 1, 2009	1/10 <sup>th</sup> Co-op fee/200 lb increment

	<u>7/1/2008</u>	<u>1/1/2009</u>	<u>7/1/2009</u>
0 to 200 lbs	\$3.00	\$4.00	1/10 <sup>th</sup> Co-op Fee
201 to 400 lbs	\$6.00	\$8.00	2/10 <sup>th</sup> Co-op Fee
401 to 600 lbs	\$9.00	\$12.00	3/10 <sup>th</sup> Co-op Fee
601 to 800 lbs	\$12.00	\$16.00	4/10 <sup>th</sup> Co-op Fee
Etc.			

All construction wastes, demolition debris and stumps.

From January 1 2006 until further revision, the charge shall be \$10.00 for each 200 lb increment

0 to 200 lbs	\$10.00
201 to 400 lbs	\$20.00
401 to 600 lbs	\$30.00
601 to 800 lbs	\$40.00
Etc.	



For all construction and demolition debris wastes that are separated according to the facility operator's direction, the charge shall be \$7.50 for each 200 lb increment.

0 to 200 lbs	\$ 7.50
201 to 400 lbs	\$15.00
401 to 600 lbs	\$22.50
601 to 800 lbs	\$30.00
Etc.	

Without an appropriate form of payment, the use of the facility shall be denied by the operator unless a request to be invoiced has been received and approved by the Hopkinton Board of Selectmen.

**Section 3\***    Miscellaneous Fees:

The list of items in this section shall be assessed the following tipping fees regardless of how they are delivered to the facility:

<b>Item</b>	<b>Cost</b>
White Goods that <u>do not contain</u> fluids that must be removed (hot water heaters, furnaces, stoves, etc.)	\$5.00/unit
White Goods that <u>do contain</u> fluids that must be removed (refrigerators, air conditioners, etc.)	\$10.00/unit
Tires (16" or less, unmounted)	\$2.00/each
Tires (16" or less, mounted)	\$10.00/each
Tires (greater than 16", unmounted)	\$10.00/each
Tires (greater than 16", mounted)	\$20.00/each
NOTE: No tires will be accepted from commercial tire companies or garages.	

Vouchers for these charges may be obtained from the respective Town Clerks or from the facility operator.

**Section 4**    Separation of Wastes:

All haulers shall adhere to a strict separation of wastes as directed by the operator. No loads shall be accepted which are not properly separated.

**Section 5**    Waivers:

The Boards of Selectmen may waive any of the tipping fees in this ordinance when the material can and is disposed of in a designated recycling area.

**Section 6**    Special Conditions:

For wastes not covered here that are unique in nature, the Boards of Selectmen may establish tipping fees for these items.

**Section 7     Off-Hour Emergencies:**

Septic Haulers that need the facility opened during off hours shall be charged a \$60.00 fee to cover overtime expenses. This fee also applies to any other commercial emergency.

**Section 8     Commercial Rates for Electronics Disposal**

Commercial enterprises can dispose of items at a per unit cost if they have less than 10 items. More than 10 items can be disposed of at the towns' per pound rate (currently \$.15 per pound).

Large TV	\$15.00	Med. TV	\$10.00
Large console	\$20.00	Small TV	\$ 5.00
Computer (complete)	\$10.00		
Monitor (15")	\$ 6.00	VCR/DVD, Stereo, Speakers,	
Monitor (>15")	\$ 8.00	Radios, Scanners, Camcorders,	
CPU	\$ 2.00	Microwaves, Small Appliances,	
		Etc.	\$2.00

**Article VI**

Penalties

**Section 1     Penalties:**

Any person or business found to be violating any provisions of the Ordinance shall be deemed to be guilty of a violation and shall be fined not more than \$200.00 and upon a second conviction within a period of twelve months, may in addition to any fine imposed, be denied the right to use said facility area for a period of time not to exceed twelve months.

**Section 2     Liability:**

Any person or business violating any of the provisions of this ordinance shall become liable to the Towns of Hopkinton and Webster for any expense, loss or damage occasioned by the Towns by reason of such violation.

**Article VII**

Validity and Ordinance in Force

**Section 1     Previous Ordinances:**

All previous ordinances relative to the facility are hereby repealed.

**Section 2     Invalidity:**

The invalidity of any Section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance Which can be given effect without such invalid part or parts.

Section 3     Adoption:

These Rules and Regulations are adopted to comply with the Rules and Regulations of the State of New Hampshire, Department of Health and Welfare, Division of Public Health Services, Bureau of Solid Waste Management and the United States Environmental Protection Agency, And the United States Army Corps of Engineers.

Section 4     Ordinance in Force:

This ordinance shall be in full force and effect beginning January 31, 1990.  
This ordinance was amended on November 7, 2005.  
This ordinance will be in full force and effect beginning January 1, 2006.  
This ordinance will be in full force and effect July 1, 2008.

\*Amended 2/1/1995

\*\*Amended 1/17/1996

\*\*\*Amended 11/07/2005

\*\*\*\*Amended 06/09/2008

Town of Hopkinton, NH  
Board of Selectmen

\_\_\_\_\_  
Scott Flood, Chairman

\_\_\_\_\_  
George Langwasser, Selectman

\_\_\_\_\_  
Tom Congoran, Selectman

\_\_\_\_\_  
Christopher Lawless, Selectman

\_\_\_\_\_  
James O'Brien, Selectman

Date: \_\_\_\_\_

A true copy, attest:

\_\_\_\_\_  
Sue B. Strickford  
Town Clerk  
Town of Hopkinton

Date: \_\_\_\_\_

Town of Webster, NH  
Board of Selectmen

\_\_\_\_\_  
George Hashem, Chairman

\_\_\_\_\_  
David Klumb, Selectman

\_\_\_\_\_  
Thomas Mullins, Selectman

Date: \_\_\_\_\_

A true copy, attest:

\_\_\_\_\_  
Michele St. Jacques  
Town Clerk  
Town of Webster

Date: \_\_\_\_\_